

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION

ANTHONY SMITH,	)	
	)	
Plaintiff,	)	
v.	)	Case No. 6:20-cv-00016-NKM
	)	
CENTRA HEALTH, INC., et al.,	)	
	)	
Defendants.	)	

**DEFENDANT CENTRA HEALTH, INC.'S MOTION TO DISMISS  
PLAINTIFF'S THIRD AMENDED COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendant Centra Health Inc. ("Centra") moves the Court to dismiss with prejudice the Third Amended Complaint ("TAC") (Doc. 31) filed by Plaintiff Anthony Smith ("Plaintiff"). As set forth in Centra's Memorandum in Support of its Motion to Dismiss, Plaintiff's TAC fails to state a claim on which relief can be granted and should be dismissed with prejudice.

Centra respectfully requests that the Court: (1) dismiss Plaintiff's TAC with prejudice; and (2) award Centra its attorneys' fees, costs and expenses incurred in the defense of this action pursuant to 42 U.S.C. § 1988(b) and (c) or as otherwise permitted by law, and such additional and further relief as the Court deems just and proper.

Dated: July 2, 2020

Respectfully submitted,

CENTRA HEALTH, INC.

By: /s/ Joshua F. P. Long  
Of Counsel

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 2, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notice to all counsel of record:

/s/ Joshua F. P. Long .